

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re

Debtor(s).

No. \_\_\_\_\_

Plaintiff(s),

v.

Adversary No. \_\_\_\_\_

Defendant(s).

Garnishee name and address:

Balance due upon  
application for writ: \$ \_\_\_\_\_

Includes interest at \_\_\_\_\_% per \_\_\_\_\_

Through: \_\_\_\_\_

**WRIT OF GARNISHMENT**

**THE UNITED STATES OF AMERICA** to \_\_\_\_\_,  
garnishee.

\_\_\_\_\_ is the judgment debtor in this case, and owes  
the

amount set out above to:

Judgment creditor name and address:

The above judgment creditor believes that you hold or control money or property which belongs to the  
judgment debtor.

**YOU ARE ORDERED** to file a written answer with the United States Bankruptcy Court, 500 Gold  
Avenue SW, Tenth Floor, PO Box 546, Albuquerque, NM 87103-0546, within twenty (20) days from the day  
you receive this writ. Your answer must be under oath and on the attached form, "Answer by Garnishee."

**YOU ARE FURTHER ORDERED**, as follows:

1. If you owe the judgment debtor any money (other than wages), or become indebted to the judgment debtor before filing your answer, you must keep a sufficient amount of that money to satisfy the judgment and all costs and attorneys fees due as a result of service of this writ and not pay it to the judgment debtor, unless this Court enters an order releasing this writ of garnishment.

2. If the judgment debtor is an employee of yours, unless the debt is for child support, you shall pay the judgment debtor only

A. 75% of the debtor's disposable earnings (salary less social security, federal and state withholdings, and any other deduction required by law) for any pay period;

**OR**

B. Any amount each week equal to forty times the federal minimum hourly wage rate; whichever is greater.

If the debt is for child support payments, you shall pay the judgment debtor 50% of the debtor's disposable earnings (salary less social security, federal and state withholding). Any wages you owe the employee in excess of that amount or that you may come to owe the employee in excess of that amount must be kept by you until further order of this Court. (A table giving equivalent exemptions for pay periods of other than one (1) week may be obtained from the Financial Institutions Division of the Regulations and Licensing Department, 725 St. Michael's Drive, Santa Fe, NM 87503).

3. If you have any property which belongs to the judgment debtor including any rights, credits, bonds, bills, notes, drafts and other rights to property or money which belongs to the judgment debtor or if you acquire any such property, money or rights to property or money before filing your answer, you must keep a sufficient amount of that property to satisfy the existing judgment and costs and not turn it over to the judgment debtor unless the Court enters an order releasing the property or money.

4. If you hold property or money belonging to the judgment debtor, within four (4) business days after service of this writ you are to mail or deliver a copy of this writ and the application for writ provided by the judgment creditor. If you hold property or money of the judgment debtor's other than wages, you shall also mail or deliver to the judgment debtor, the attached notice of right to claim exemptions and a copy of the attached claim of exemption forms, to each person identified as a judgment debtor. You shall also send or deliver a copy of your answer to this writ to the judgment debtor:

Judgment debtor name and address:

and to the judgment creditor:

Attorney for judgment creditor name and address:

5. The Court will be asked to enter an order awarding \$\_\_\_\_\_ for the judgment creditor's costs relative to the service of the writ of garnishment and \$\_\_\_\_\_ for judgment creditor's attorney's fees in connection with the writ of garnishment in addition to \$\_\_\_\_\_, the "Balance Due Upon Application for Writ."

**THIS IS A COURT ORDER.** If you fail to file the answer, or if you disobey any of these orders, a judgment may be entered against you for the full amount of the unpaid judgment in this case.

CLERK OF COURT

(SEAL)

By: \_\_\_\_\_

Deputy Clerk

United States Bankruptcy Court

District of New Mexico

500 Gold Avenue SW, TenthFloor

PO Box 546

Albuquerque, NM 87103-0546

(505) 348-2500

Date issued: \_\_\_\_\_

For clerk's use only:

**Return for Completion by Sheriff or Deputy:**

I certify that I served this writ in said district on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by delivering a copy of the writ and a copy of the application for writ  
\_\_\_\_ (and, if applicable) a copy of a form for answer by garnishee, a copy of a notice of  
right to claim exemptions for each judgment debtor and a copy of the claim of exemption  
form for each judgment debtor

to \_\_\_\_\_, garnishee:

Name and title of person served:

SHERIFF OF \_\_\_\_\_ COUNTY, NEW MEXICO

By: \_\_\_\_\_

Deputy

Fees:

**Return for Completion by Other Person Making Service:**

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this  
lawsuit, and that I served this writ in said district on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
delivering a copy of the writ and a copy of the application for writ

\_\_\_\_ (and, if applicable) a copy of a form for answer by garnishee, a copy of a notice  
of right to claim exemptions for each judgment debtor and a copy of the claim of  
exemption form for each judgment debtor to:

\_\_\_\_\_, garnishee:

Name and title of person served:

\_\_\_\_\_  
Name:

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
My commission expires:

Judge, Notary or Other Officer Authorized to  
Administer Oaths

\_\_\_\_\_  
\_\_\_\_\_  
Official title: